

DECLARATION AND POWER OF ATTORNEY

As a below-named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

A HIGH THROUGHPUT BIOLOGICAL HEART RATE MONITOR THAT IS MOLECULARLY DETERMINED

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the specificat (check one)	ion of w	hich			
(check one)		is attached hereto.			
	<u>·X</u>	was filed on July 3.	2001		as
	Applio	cation Serial No. <u>09/8</u>	98,417		
	and w	as amended on	(if applicable)		·
			(ii applicable)		
•			understand the contents of nded by any amendment refer	•	
•	to be m		J.S. Patent and Trademark Cas defined in Title 37, Code		
or Section 36 365(a) of any the United St or inventor's	55(b) of PCT In ates, list certific	any foreign application aternational Application and below. I have also	er Title 35, United States Cod n(s) for patent or inventor's n which designated at least or identified below any foreign nal Application having a filing is claimed:	certificate or ne country ot application fo	Section her than or patent
Prior Foreign	n Applic	cation(s)		Priority Cl	aimed
Number		<u>Country</u>	Filing Date	<u>Yes</u>	<u>No</u>
	_				

I hereby claim the benefit under Title 35. United States Code, Section 119(e) of any United States provisional application(s) listed below:

Provisional Application No.	Filing Date	<u>Status</u>

I hereby claim the benefit under title 35, United States Code, Section 120 of any United States Application(s) or Section 365(c) of any PCT International Application(s) designating the United States listed below. Insofar as this application discloses and claims subject matter in addition to that disclosed in any such prior Application in the manner provided by the first paragraph of Title 35. United States Code, Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations Section 1.56 which became available between the filing date(s) of such prior Application(s) and the national or PCT international filing date of this application:

Application Serial No. Filing Date Status

09/875,392 June 6, 2001 Pending

And I hereby appoint

John P. White (Reg. No. 28,768; Christopher C. Dunham (Reg. No. 22,031); Norman H. Zivin (Reg. No. 25, 385); Jay H. Maioli (Reg. No. 27,213); William E. Pelton (Reg. No. 25,702); Robert D. Katz (Reg. No. 30,141); Peter J. Phillips (Reg. No. 29,691); Wendy E. Miller (Reg. No. 35,615); Richard S. Milner (Reg. No. 33,970); Robert T. Maldonado (Reg. No. 38,232); Paul Teng (Reg. No. 40,837); Richard F. Jaworski (Reg. No. 33,515); Pedro C. Fernandez (Reg. No. 41,741); Gary J. Gershik (Reg. No. 39,992); Spencer H. Schneider (Reg. No. 45,923); Alan J. Morrison (Reg. No. 37,399); Alan D. Miller (Reg. No. 42,889); Christopher M. Ries (Reg. No. 45,799) and Frank Bruno (Reg. No. 46,583)

and each of them, all c/o Cooper & Dunham LLP of 1185 Avenue of the Americas, New York, New York 10036 (Tel. 212 278-0400), my attorneys, each with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, to transact all business in the Patent and Trademark Office connected therewith and to file any International Applications which are based thereon under the provisions of the Patent Cooperation Treaty.

Please address all communications, and direct all telephone calls, regarding this application to

John P. White	Reg. No28,678
Cooper & Dunham LLP	Reg. No
1185 Avenue of the Americas	
New York, N.Y. 10036	. •
T.1 (010) 070 0100	

Declaration	and	Power	of	Attorne	ÿ
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Post Office Address __

statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.
Full name of sole or first joint inventor Michael R. Rosen
Inventor's signature
Citizenship U.S.A. Date of signature (0-)50/
Residence 25 East 86th Street, Apt. 14C, New York, New York 10028
Post Office Address <u>same as above</u>
Full name of Joint Inventor (if any) Richard B. Robinson
Inventor's signature Ruleard B Roberts
Citizenship U.S.A. Date of signature 10/5/01
Residence 67 Roosevelt Street, Cresskill, NJ 07626
Post Office Address <u>same as above</u>
Full name of Joint Inventor (if any) Ira S. Cohen
Inventor's signature
Citizenship Date of signature
Residence
Post Office Address
Full name of
Joint Inventor (if any) Han-Gang Yu
Inventor's signature
Citizenship Date of signature
Residence

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these



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ne specificat	ion of which	·		
check one)	is attached hereto.			
	X was filed on July ?	3, 2001		
<i>:</i>	Application Serial No. 09/	898.417		
<u>.</u>	and was amended on	(if applicable)		
specification	i, including the claims, as an	Trademat	k Office all info	rma
specification I acknowled known to m Section 1.50	lge the duty to disclose to the e to be material to patentability.	e U.S. Patent and Trademan y as defined in Title 37, Co	k Office all infor de of Feral Regu	rma latio
I acknowled known to m Section 1.50 I hereby cla or Section 365(a) of ar the United	lge the duty to disclose to the e to be material to patentability. im foreign priority benefits ur 365(b) of any foreign applicating PCT International Applications and the contribute of PCT	e U.S. Patent and Trademary as defined in Title 37, Conder Title 35, United States tion(s) for patent or inventoion which designated at leas so identified below any fore tional Application having a	ck Office all information of Feral Regularies Code, Section 11 or's certificate or st one country of the application for application for	rma latio
I acknowled known to m Section 1.50 I hereby cla or Section 365(a) of arthe United or inventor the earliest	lge the duty to disclose to the e to be material to patentability. im foreign priority benefits ur 365(b) of any foreign applicating PCT International Application.	e U.S. Patent and Trademary as defined in Title 37, Conder Title 35, United States tion(s) for patent or inventoion which designated at leas so identified below any fore tional Application having a	ck Office all information of Feral Regularies Code, Section 11 or's certificate or st one country of the application for application for	rma lati 9(a See ther pre th

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States provisional application(s) listed belo	ow:		115(c) of any (Jintou

Provisional Application No.	Filing Date	<u>Status</u>
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Application Serial No.

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<u>Status</u>

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John P. White

Reg. No. 28.678

Cooper & Dunham LLP 1185 Avenue of the Americas New York, N.Y. 10036 Tel. (212) 278-0400 I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first joint inventor Michael R. Rosen	#A
Inventor's signature	
Citizenship U.S.A.	Date of signature
Residence 25 East 86th Street, Apt. 14C, New Y	
Post Office Address same as above	
Full name of Joint Inventor (if any) Richard B. Robinson	· · · · · · · · · · · · · · · · · · ·
Inventor's signature	
Citizenship	Date of signature
Residence	
Post Office Address	
Full name of Joint Inventor (if any) Ira S. Cohen	
Inventor's signature	
Citizenship	
Residence	·
Post Office Address	
Full name of	
Joint Inventor (if any) Han-Gang Yu	
Inventor's signature	
Citizenship P.R. China	Date of signature
Residence 15 Hollow Road, stony	Brook, NY 11790
Post Office Address	



DECLARATION AND POWER OF ATTORNEY

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the specifica	tion of v	vhich		
(check one)		is attached hereto.		
-	<u>X</u>	was filed on July 3	, 2001	a
	Appli	cation Serial No. 09/8	898,417	,
	and w	as amended on		•
		•	(if applicable)	
,			understand the contents on nded by any amendment re	
	e to be m		U.S. Patent and Trademark as defined in Title 37, Code	
or Section 3 365(a) of an the United S or inventor'	65(b) of y PCT Intates, list certificates.	any foreign application ternational Application ted below. I have also	er Title 35, United States Con(s) for patent or inventor'n which designated at least identified below any foreignal Application having a fix is claimed:	s certificate or Section one country other than application for paten
Prior Foreig Number	gn Appli	cation(s) <u>Country</u>	Filing Date	Priority Claimed <u>Yes</u> <u>No</u>

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Provisional Application No.	Filing Date	<u>Status</u>	
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and each of them, all c/o Cooper & Dunham LLP of 1185 Avenue of the Americas, New York, New York 10036 (Tel. 212 278-0400), my attorneys, each with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, to transact all business in the Patent and Trademark Office connected therewith and to file any International Applications which are based thereon under the provisions of the Patent Cooperation Treaty.

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John P. White

_Reg. No. 28.678

Cooper & Dunham LLP 1185 Avenue of the Americas New York, N.Y. 10036 Tel. (212) 278-0400 I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first joint inventor Michael R. Rosen		
Inventor's signature		
Citizenship U.S.A.	_ Date of signature	· · · · · · · · · · · · · · · · · · ·
Residence 25 East 86th Street, Apt. 14C, New York	k, New York 10028	
Post Office Address <u>same as above</u>	 	·
Full name of Joint Inventor (if any) Richard B. Robinson		
Inventor's signature		
Citizenship		
Residence		
Post Office Address		
Full name of Joint Inventor (if any) Ira S. Cohen		
Inventor's signature <u>has. Cohen</u>		. / / /
Citizenship USA		10/22/01
Residence 23 Hawks Nest Rd.		··
Post Office Address Stony Brook N.Y.	11790	•
Full name of		
Joint Inventor (if any) Han-Gang Yu		·
Inventor's signature		
Citizenship	_ Date of signature _	
Residence		
Post Office Address		

Allorney S. Jockel No. <u>03219-AIJF W/FJF</u>
ant or Patentee: Michael R. Rosen et al.
.al or Patent No.: <u>09/898,417</u> iled or Issued: July 3, 2001
iled or Issued: <u>July 3, 2001</u> Philip of Invention or Patent: <u>A HIGH THROUGHPUT BIOLOGICAL HEART RATE MONITOR THAT IS MOLECULARLY DETERMINED</u>
VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS UNDER 37 C.F.R. §1.9(f) AND §1.27(d) - NONPROFIT ORGANIZATION
JAN 0 3 2002 & SMALL ENTITY STATUS UNDER 37 C.F.R. §1.9(f)
AND §1.27(d) - NONPROFIT ORGANIZATION
Thereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:
Name of Organization: <u>THE TRUSTEES OF COLUMBIA UNIVERSITY IN THE CITY OF NEW YORK</u>
Address of Organization: <u>110 Low Memorial Library, West 116 th & Broadway</u> New York, New York 10027
TYPE OF ORGANIZATION:
X UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION
X UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION TAX FXEMPT LINDER INTERNAL REVENUE SERVICE CODE 26 U.S.C. \$\$501(a) and 501(c)(3)
TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE 26 U.S.C. §§501(a) and 501(c)(3) NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED
STATES OF AMERICA
NAME OF STATE:
CITATION OF STATUTE:
WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE 26 U.S.C. §§501(a) and 501(c)(3) IF LOCATED IN THE UNITED STATES OF AMERICA
WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF
STATE OF THE UNITED STATES OF AMERICA IF LOCATED IN THE UNITED STATES OF
AMERICA CONTRACTOR OF THE PROPERTY OF THE PROP
NAME OF STATE:
CITATION OF STATUTE:
I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as
defined in 37 C.F.R. 1. 9(e)b for purposes of paying reduced fees under 35 U.S.C. §§41(a) and 41(b),
with regard to the invention entitled
·.
A HIGH THROUGHPUT BIOLOGICAL HEART RATE
MONITOR THAT IS MOLECULARLY DETERMINED
by inventor(s) <u>Michael R. Rosen, Richard B. Robinson, Ira S. Cohen and Han-Gang Yu</u> described in:
the specification filed howavith
the specification filed herewith _X_ application S.N. <u>09/898,417</u> filed <u>July 3, 2001</u>
patent no. issued
I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.
If the rights held by the nonprofit organization are not exclusive, each individual, concern or
organization having rights to the invention is listed below and no rights to the invention are held by any
person, other than the inventor, who could not qualify as a small business concern under 37 C.F.R.
$\S1.9(d)b$ or as a nonprofit organization under 37 C.F.R. $\S1.9(e)b$.
Name:
Address: Individual Small Provinces Concerns V. Norman & Organization
Individual Small Business Concern X Nonprofit Organization

^a NOTE: Separate verified statements are required for each named person, concern, or organization

acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. 37 C.F.R. §1.28(b)*.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing: <u>Michael J. Cleare, Ph. D.</u>	s arechen is an eclea.
Title In Organization: <u>Executive Director</u>	
Address: Columbia Innovation Enterprise, Columbia University,	Engineering Terrace - Suite 363
Amsterdam & 120th Street, New York, NY 10027	June 505,
Signature:	
Date of Signature: \tag{\tag{\tag{U_0}}	

	Attorney's L'ocket No. <u>03219-AJJEWIEJE</u>
	Patentee: Micha
	Patent No.: 09/898.41
	or Issued: July 3, 2001 e of Invention or Patent <u>a high throughput biological heart rate monitor that is molecularly determined</u>
	e of invention or Falent A HIGH THROUGHFUT BIOLOGICAL HEART NATE MODITOR THAT IN MODITOR THAT IS MODITOR THAT
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	VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS UNDER 37 C.F.R. §1.9(f) AND §1.27(d) - NONPROFIT ORGANIZATION
IAL.	O 3 2002 E SMALL ENTITY STATUS UNDER 37 C.F.R. §1.9(f)
•	* AND §1.27(d) - NONPROFIT ORGANIZATION
Ž.	Stike by declare that I am an official empowered to act on behalf of the nonprofit organization identified below:
No.	stribereby declare that I am an official empowered to act on behalf of the nonprofit organization identified
	below:
	N CO : DEGE ADOLL FOLDIO ATION OF STATE LINIVED SITY OF NEW YORK
	Name of Organization: RESEARCH FOUNDATION OF STATE UNIVERSITY OF NEW YORK
	Address of Organization: P.O. BOX 9 Albany, New York 12201-0009
	ALDUNY, IVEW TOLK 12201-0002
•	TYPE OF ORGANIZATION:
	UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION
:	TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE 26 U.S.C. §§501(a) and 501(c)(3) NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED
	NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE OWITED
	STATES OF AMERICA NAME OF STATE:
	NAME OF STATE: CITATION OF STATUTE:
	WOIT DOLLALIEY AS TAY EYEMPT LINDER INTERNAL REVENUE SERVICE CODE 26 U.S.C.
	§\$501(a) and 501(c)(3) IF LOCATED IN THE UNITED STATES OF AMERICA WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF
	WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF
	STATE OF THE UNITED STATES OF AMERICA IF LOCATED IN THE UNITED STATES OF
	AMERICA
	NAME OF STATE:
	CITATION OF STATUTE:
	I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as
	defined in 37 C.F.R. 1. $9(e)b$ for purposes of paying reduced fees under 35 U.S.C. §§41(a) and 41(b),
	with regard to the invention entitled
	A HIGH THROUGHPUT BIOLOGICAL HEART RATE
	MONITOR THAT IS MOLECULARLY DETERMINED
	1
	by inventor(s) Michael R. Rosen, Richard B. Robinson, Ira S. Cohen and Han-Gang Yu
	described in:
	the specification filed herewith
	X application S N 09/898.417 filed July 3, 2001
	X application S.N. 09/898,417 filed July 3, 2001 patent no. issued
:	I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit
	organization with regard to the above identified invention.
	If the rights held by the nonprofit organization are not exclusive, each individual, concern or
<i>\$</i> г.	organization having rights to the invention is listed below and no rights to the invention are held by any
	person, other than the inventor, who could not qualify as a small business concern under 37 C.F.R.
	§1.9(d)b or as a nonprofit organization under 37 C.F.R. §1.9(e)b.
	Name:
	Address:
	Individual Small Business ConcernNonprofit Organization
	A NOTE: Communication or organization
	a NOTE: Separate verified statements are required for each named person, concern, or organization having rights to the invention averring to their status as small entities. 37 C.F.R. §1.27.
	^b See reverse side.
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Title In Organization:	RESEARCH FOUNDATION OF STATE UNIVERSITY OF NEW YORK
Address:	P.O. Box 9
	Albany. New York 12201-0009
Signature:	and the same of th
Date of Signature:	11/2/01/2012
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